

Good Government; Honesty in Public Office; Equal Justice to All--Special Privileges to None.

## GRANT TO I. I. BOARD NOT "IRREVOCABLE".

Legislative Authority Over Swamp and Overflowed Lands Upheld.

In a recent issue of this newspaper we asked the question: "Is it not true that no Legislature can 'irrevocably' bind and control the action of its successors, and that a law made by one Legislature may be repealed or amended or modified by any of its successors?"

The query was made with reference to the veto by Governor Broward of an act passed by the Legislature of 1905, to require the Trustees of the Internal Improvement Fund to pay into the State treasury all moneys now in their possession, etc.

The reason given for the veto was that the Legislature has no power to control the lands heretofore "irrevocably" vested in the board or the proceeds of the same.

From a source quite unexpected an answer to this query has been made, and under circumstances which promise a final and authoritative decision in the premises at no very distant day, by the highest legal tribunal in the country.

An important case, involving the questions which were raised by the last State administration as to the power of the Legislature to grant to railroads in aid of their construction the swamp and overflowed land that were granted to the State by the United States under the act of Congress of September 28, 1850, has recently been decided by Hon. Charles Swayne, judge of the United States Circuit Court for the Northern District of Florida. This suit was brought by Mathilda G. Kittel, as executrix and devisee of Joseph J. Kittel, against William S. Jennings and others, Trustees of the Internal Improvement Fund, to compel the Trustees to make a deed to her for certain lands which had been certified by their predecessors in office to the Augusta, Tallahassee and Gulf Railroad Company, the complainant's claim to the land being based upon a foreclosure proceeding and sale at which Joseph J. Kittel was the purchaser.

On the completion of the first ten miles of said railroad (now the Carrabelle, Tallahassee and Gulf Railroad), the then Board of Trustees gave to the A. T. & G. R. Co. a certificate for 108,000 acres of swamp and overflowed lands which had been selected as such by the State but which had not then been patented by the United States to the State. The company borrowed money from Kittel and gave him a mortgage on these lands to secure payment. The mortgage debt not having been paid, the mortgage was foreclosed in the United States court, the Trustees of the I. I. Fund being made parties defendant. They answered, admitting the giving of the certificate and alleging belief that the lands were in fact swamp and overflowed, and that as soon as patented to the State they would make deeds for them to the railroad company.

The lands were sold under the decree of foreclosure and purchased by Kittel; and being subsequently patented to the State, his executrix and devisee, Mathilda G. Kittel, applied to the then Board of Trustees, W. S. Jennings and others then members, for a deed, which was refused. The refusal then resulted in the suit to compel them to make a deed. The case came up for argument on demurrer to the bill and was argued and the demurrer overruled. The principal questions raised by the demurrer were that the title of the lands was not in the State at the time of the grant by the Legislature to the railroad company, as the patent had not at that time been issued to the State; that the lands had been vested in the Trustees irrevocably by the Internal Improvement Act of 1855; that under the act of Congress of 1850 the lands were granted to the State for the purpose of drainage and reclamation; that the Legislature had no power to grant them to the railroad company to aid in its construction, and that the giving of the certificate did not bind subsequent trustees.

Judge Swayne filed a written opinion, going into the merits very fully. His conclusions, as stated, are that the act of Congress of 1850 is a grant in present of the equitable title to all of the swamp and overflowed lands in the State, and when the Secretary of the Interior caused patents to be issued to the State therefor the fee simple title vested as of the date of the act; that the State was competent to deal with the inchoate or equitable title before obtaining patents, subject to the rights of the United States locating and identifying the lands; that the Internal Improvement Act of 1855 does not divert the lands from the purpose declared in the act of Congress, nor do subsequent acts of the Legislature granting lands to railroads, in analogy to the Internal Improvement Act, have such tendency; that the Trustees being creatures of the

## COLLEGE LOCATIONS.

Tallahassee Gets the Female College; Gainesville the University.

Returning from their tour of inspection on Tuesday and Wednesday, the educational boards held meetings on Wednesday and Thursday for the purpose of giving a hearing to the several large delegations of citizens present from Lake City, Gainesville, St. Augustine, DeFuniak Springs, Tallahassee and other localities interested in the matter of the location of the several State institutions.

The joint meeting of the two boards convened in Representative Hall at 10 o'clock Thursday and the order of procedure was announced as follows: Gainesville and Lake City to be heard first, on the location of the University, the former to open, one and one-half hours, Lake City two hours, Gainesville to close in 30 minutes. Hon. W. A. Rawls asked for Tallahassee an opportunity to be heard, and it was agreed that the capital city should have its innings at the close of the contest between the other two places.

Dr. J. F. McKinstry opened for Gainesville, reading an exceedingly well written paper setting forth that city's claims. He was followed by Rev. W. J. Carpenter of Tampa and Mr. Jones of Orlando on the same side. For Lake City appeared Mr. Small, Mr. A. J. Davis and Rev. C. H. Ferran of that place and Mr. C. E. Davis of Madison. The arguments for Gainesville and Lake City occupied almost the entire day, but Hon. F. T. Myers, Hon. W. A. Rawls and Hon. Geo. P. Raney all spoke eloquently, if briefly, for Tallahassee.

The night session of the boards was held behind closed doors, and at a late hour the result was announced as follows: The University was awarded to Gainesville by a vote of 6 to 4, and the Female College to Tallahassee unanimously.

The location of the blind, deaf and dumb institution and the election of faculties for all of the colleges will be the next duty of the boards.

## Leon County High School.

At its meeting held on Tuesday the county school board assigned teachers for the high school only, the list being as follows:

Principal, J. W. Wideman, with the following assistants, to be assigned to the respective grades: Misses Isabella Goss, Carolina M. Brevard, May Williams, Grace E. Elcam, Kate Sullivan, Elizabeth C. Eppes, Grace Cobb, Jennie Brevard, Hennie Chaires, with Miss Davies for the Kindergarten.

Traveling Passenger Agent Roscoe C. Snipes of the G. F. & S. Ry., is the happy parent of a bouncing baby boy. Congratulations!

The Governor's Mansion committee is reported to have raised by subscription nearly half of the amount deemed necessary for the purchasing of a site.

Attention is directed to the handsome advertisement of Mr. Chas. G. Myers, the well-known life insurance man, setting forth the attractions and advantages of the Security Mutual Life Insurance Company of Binghamton, N. Y., which he now represents as General Agent, having severed his long-continued connection with the Equitable Life of New York.

We notice now running in the Bainbridge Daily Argus an incorporation notice of the Panacea Spring Co., with a capital stock of \$100,000, \$75,000 of which it states it paid in, with privilege of increasing the capital stock at such time as the company deems necessary, all stock to be at par or face value. The company proposes at an early date to make extensive improvements at Panacea among which will be the building of a short railroad and putting their curative mineral waters on the market in an up-to-date manner.

Legislature, and having their duties and powers defined by the act of the Legislature of 1855, cannot set up the defense that the Legislature had no power to deal with the swamp and overflowed lands because such dealing contravenes the act of Congress; that the issuance of the certificate by the Trustees, the mortgage and the foreclosure proceeding constitute an estoppel of record as against the present Trustees, and that the Trustees were competent to undertake and give effect to their acts.

## FOR SALE.

One 6 H. P. Engine, one 8 H. P. Boiler, mounted; all in good order; also one Duplex 3 Cylinder Steam Pump. Apply to J. W. BUSHNELL, Tallahassee, Fla.

## For Sale.

12 head of Good Mules. Sound and in good order, and cheap for cash. Can be seen at mill of Myrtlewood Lumber Co., Wakulla, Fla. 18-4t

## At a Bargain.

For sale several good large young mules. Apply to GEO. H. AVERETT.

## STATE SAVINGS BANK

Statement and Interesting History of This Substantial Institution.

Following in this column there will be found the official statement of the condition, at the close of business June 30th, 1905, of the State Savings Bank of Tallahassee, showing a remarkably healthy and prosperous condition of its affairs, including \$20,000 capital, \$10,000 surplus, \$15,029.57 undivided profits and individual deposits subject to check amounting to \$327,717.50, making a total of \$372,747.07.

Attached to the statement is a chronological review of the origin, growth and progress of this excellent institution which its depositors and friends will find of absorbing interest. The statement shows, year by year, the growth in volume of its deposits from the year 1889, when it began business, with \$16,751.00 on deposit June 30, to the present date, with \$327,717.50. Also, that from \$219.82, paid to depositors April 1, 1890, the amount has increased semi-annually to \$4,070.37 paid on April 1, 1905, making a total for the 16 years the bank has been in operation of \$83,400.47!

The fact should be remembered that the figures given do not embrace any special or government or state deposits, but they consist exclusively of individual savings deposits; and they show beyond the suspicion of a doubt, the absolute stability, as well as the extraordinary popularity, of this splendidly managed and prosperous concern.

The rapid growth of the State Savings Bank likewise demonstrates the prosperous and encouraging financial condition of the people of the county, and constitutes one of the best illustrations of the superior attractions and advantages the county possesses as a place of residence and a promising field for successful business operations of all kinds.

## STATEMENT OF THE CONDITION

OF THE

## STATE SAVINGS BANK

OF TALLAHASSEE.

In the State of Florida, at the close of business on the 30th day of June, 1905.

RESOURCES.	
Loans and Discounts	\$279,054.42
Bonds and Stocks	31,200.00
Due from Banks and Bankers	25,261.82
Real estate	11,230.83
Cash on hand	26,000.00
Total	\$372,747.07
LIABILITIES.	
Capital Stock paid in	\$20,000.00
Surplus Fund	10,000.00
Undivided profits	15,029.57
Individual deposits subject to check	327,717.50
Total	\$372,747.07

STATE OF FLORIDA, ss.

I, B. C. Whitfield, Cashier of the above named Bank, do solemnly swear that the above statement is true to the best of my knowledge and belief.

B. C. WHITFIELD, Cashier.

Sworn to and subscribed before me this 30th day of June, 1905.

NELLIE E. BASSETT, Notary Public.

[SEAL] CORRECT--Attest:

GEO. LEWIS, W. C. LEWIS, G. E. LEWIS, Directors.

THE STATE SAVINGS BANK was chartered in 1889. It, with the FIRST NATIONAL BANK, succeeded the banking business of the old firm of B. C. LEWIS & SONS. The following tables show its standing and steady growth:

On June 30th, 1889, its deposits were,	\$16,754.00
" " 1890, "	44,033.00
" " 1891, "	72,854.00
" " 1892, "	96,902.00
" " 1893, "	118,207.00
" " 1894, "	115,281.00
" " 1895, "	145,297.00
" " 1896, "	145,096.00
" " 1897, "	161,057.00
" " 1898, "	170,940.00
" " 1899, "	203,214.00
" " 1900, "	225,355.00
" " 1901, "	268,805.00
" " 1902, "	279,253.00
" " 1903, "	279,541.00
" " 1904, "	310,414.00
" " 1905, "	327,717.00

During these years it paid to depositors:

Apr. 1st 1890,	\$219.82
Oct. " 1890,	645.46
Apr. " 1891,	897.90
Oct. " 1891,	1,291.81
Apr. " 1892,	1,607.12
Oct. " 1892,	1,706.66
Apr. " 1893,	1,973.90
Oct. " 1893,	2,092.98
Apr. " 1894,	1,946.89
Oct. " 1894,	2,112.89
Apr. " 1895,	2,319.66
Oct. " 1895,	2,537.62
Apr. " 1896,	2,584.32
Oct. " 1896,	2,592.52
Apr. " 1897,	2,995.34
Oct. " 1897,	2,933.19
Apr. " 1898,	2,950.28
Oct. " 1898,	3,071.50
Apr. " 1899,	3,222.60
Oct. " 1899,	3,801.18
Apr. " 1900,	2,979.52
Oct. " 1900,	3,187.60
Apr. " 1901,	3,288.00
Oct. " 1901,	3,696.29
Apr. " 1902,	3,550.51
Oct. " 1902,	3,780.89
Apr. " 1903,	3,624.06
Oct. " 1903,	3,516.14
Apr. " 1904,	3,942.34
Oct. " 1904,	4,165.42
Apr. " 1905,	4,070.37

\$83,400.47

New shirt waist linen 25c., at R. J. Evans.

## MORE TO COME.

The Remarkable Sale of State Lands Will Be Fully Probed.

Tampa, Fla., June 24, '05. Friend Collins: What has become of the matter of the sale by the Trustees of the Internal Improvement Fund, or Governor Jennings, of 300,000 acres of State land at 30 cents per acre, referred to in your paper a short time ago? Do you intend to let it drop out of sight?

Twenty-three years ago there was a great outcry at the sale of four million acres of land 25 cents per acre, which sale was made under Bloxham's administration to get one million dollars with which to pay of the Vose judgments and thereby release all the other millions of acres of State land, so that it might benefit the State and its people. That sale was a necessity, but how can this later sale at 30 cents be justified? The treasury of the Board contained thousands of dollars for the expenditure of which there was no possible occasion; it was selling other lands at from \$1.50 to \$5 per acre; it had no debts.

You remind me of the way the boys and girls play "Hide and Seek." When the seeker gets close to finding the hidden article, the cry is "you're hot." Now, when you are getting "hot" you draw off. Now be frank with your readers, and tell us if the scent became so strong that you hesitated at the prospect of a personal encounter with one of those pestiferous little animals known to furnish the rankest animal odor known to naturalists? In other words--a skunk?

We want another chapter of this great land deal, and we want it "hot." Don't be afraid of the odor--it can't hurt any one in this case--but the animal itself.

Watching for "more" from The True Democrat.

Truly your friend--

Don't be alarmed. There is sure to be "more" about that famous--or infamous--land sale, and we hope to be ready to give the public all of the material facts and circumstances connected with it at no very distant day.

## Church Notices.

First Baptist Church, Clinton street, near Adams, Frank W. Cramer, pastor. Preaching service each Lord's Day at 11 a. m. and 7:45 p. m. Bible School at 10 a. m. Junior Baptist Union at 3 p. m. Senior B. Y. P. U. at 4:30 p. m. Prudential Committee first Monday night in each month at 8 o'clock. Prayer meeting each Wednesday night at 7:45. Ladies' Aid and Missionary Society, first Thursday in each month at 4 p. m. A cordial invitation is extended to every person to come and worship with us.

The morning subject for Lord's Day, July 9, will be, "Thy Kingdom Come." In the evening the subject will be, "A Wise Choice." Junior subject, "An Ancient Port Arthur." Senior B. Y. P. U. subject, "The Indwelling Christ." A cordial invitation is extended to every person to come and worship with us.

Trinity M. E. Church, South, Rev. J. W. Bigham, pastor. Sunday School at 9:30 a. m. Sermon at 11 a. m. Senior Epworth League 4 p. m. Evening Sermon at 7:30 p. m. Public cordially invited. Prayer meeting Wednesday at 7:30 p. m.

St. John's Episcopal, Rev. Dr. W. H. Carter, Rector. Services: Sundays and Holy Days, Holy Communion 7 o'clock a. m. Sundays, 11 o'clock a. m. and 8 o'clock p. m. Fridays, 8 o'clock p. m. St. Michael's (colored). Services: Sundays, 4 o'clock p. m. Fridays, 4:30 o'clock p. m.

NOTICE of Application for Tax Deed under Section 8 of Chapter 4888, Laws of Florida.

Notice is hereby given that J. L. Farrior, purchaser of Tax Certificate No. 52, dated 6th July, A. D. 1905, has filed said certificate in my office, and has made application for tax deed to issue in accordance with law. Said certificate embraces the following described land situated in Leon county Florida, to-wit: The southeast quarter of northeast quarter of northwest quarter of northeast quarter of section 11, township 2 north, range 2 east, 24 acres. The said land being assessed at the date of the issuance of such certificate in the name of A. W. Gramling. Unless said certificate shall be redeemed according to law, tax deed will issue thereon on the 7th day of August, A. D. 1905. Witness my official signature and seal this 6th day of July, A. D. 1905.

(SEAL) HENRY T. FELKEL, Clerk Circuit Court, Leon County, Florida.

NOTICE of Application for Tax Deed under Section 8 of Chapter 4888, Laws of Florida.

Notice is hereby given that Ellen E. Bassett, purchaser of Tax Certificate No. 52, dated 6th July, A. D. 1905, has filed said certificate in my office, and has made application for tax deed to issue in accordance with law. Said certificate embraces the following described land situated in Leon county, Florida, to-wit: 1 acre of land beginning 16 70-100 chains east of the northwest corner of the southeast quarter of section two, township one south, range one west, and running south 3 16-100 chains, thence 2 80-100 chains to the west bank of the St. Marks Railroad, thence northwest with the bank of the said road to the dividing line between the north half and south half of said section 2, thence West with said line to the place of beginning, except the right of way of the Tallahassee Southeastern Railway, one half acre. The said land being assessed at the date of the issuance of such certificate in the name of Lloyd and Paul Twine. Unless said certificate shall be redeemed according to law, tax deed will issue thereon on the 7th day of August, A. D. 1905. Witness my official signature and seal this 6th day of July, A. D. 1905.

(SEAL) HENRY T. FELKEL, Clerk Circuit Court Leon County, Florida.

Subscribe for The True Democrat,

## DOINGS AT THE STATE CAPITOL

Items of Interest from the Various State Departments.

## EXECUTIVE DEPARTMENT.

Appointments: For the new county of St. Lucie--James E. Andrews, Fort Pierce, county judge; R. W. Lennard, Fort Pierce, sheriff; J. E. Fultz, Spruce Bluff, circuit clerk; G. E. Dutton, White City, tax collector; C. P. Platts, White City, school superintendent; John Wynn, Fort Pierce, treasurer; J. M. Swain, Fort Drum, surveyor; Edw. Edge, Fort Pierce, supervisor of registration; John C. Jones, Quay, K. B. Raulerson, Fort Pierce, J. F. Bell, White City, W. R. Hardee, Jensen, and R. D. Holmes, Fort Drum, county commissioners; B. F. Hardesty, Sebastian, W. J. Nesbitt, Fort Pierce, and J. W. Ord, White City, county school board. Notaries Public, State at Large--W. N. Shine, Geo. S. Adams, Harlow Barnett, W. M. Bostwick, Jr., Jacksonville; R. B. Radcliff, Pensacola; Mrs. M. King, Freeport; L. G. Starbuck, Orlando; John W. Williams, Seabreeze; J. S. Weeks, Jr., Sagano.

## STATE DEPARTMENT.

Letters Patent: Young Pharmacy, Miami, \$100,000. Incorporators: W. E. Young, S. H. O. Livingston, Jas. A. Embley.

Atlantic Investment Company, Jacksonville, \$100,000. Incorporators: A. J. Lederer, A. M. Endel, F. W. Buckley. Timmons-Blount Company, Tampa, \$250,000. Incorporators: W. W. Timmons, B. W. Blount, J. V. Carson.

H. W. Metcalf Company, Orlando, \$50,000. Incorporators: H. W. Metcalf, S. J. Green, R. B. Carpenter, Herman Berner, Jr.

Citizen's Bank, Madison, \$50,000. Incorporators: W. H. Dial, A. Livingston, Jr., J. T. Smart, W. T. Davis, T. W. Dale.

South Pensacola Land Company, Pensacola, \$100,000. Incorporators: Wm. H. Knowles, W. S. Keyser, J. M. Muldon.

Palmetto Hotel Improvement Company, Palmetto, \$12,000. Incorporators: S. S. Lamb, J. A. Lamb, O. T. Jones, Jno. W. Jackson, Asa M. Lamb.

Seminole Press Brick Company, Jacksonville, \$30,000. Incorporators: Raymond Cay, James K. Munnerlyn, C. B. Rogers, W. F. Coachman.

The Hentz Company, Blountstown, \$10,000. Incorporators: H. B. Gaskin, J. I. Hentz, J. R. Jennings.

Jacksonville Suburban and Seashore Railroad Company, Jacksonville, \$300,000. Incorporators: John D. Lawrence, William A. Riddle, M. H. Bides, William D. Simmons, A. B. Humphreys, D. P. Myerson, Jr.

Miami Sponge Mattress and Pillow Company, Miami, \$15,000. Incorporators: Lina Beecher, S. M. Tatum, E. V. Blackman, B. B. Tatum.

Dozier & Gay Paint Company, Jacksonville, \$50,000. Incorporators: Screven Dozier, John H. Gay, Henry Aird.

The Handley Company, Lakeland, \$30,000. Incorporators: T. B. Handley, W. A. McEachern, L. J. Clyatt, W. H. Clyatt, J. A. Cranford, E. Z. Jones, J. C. Owens.

Preston-Miller Company, Crescent City, \$20,000. Incorporators: C. H. Preston Co., John W. Miller, T. M. La Bree, C. H. Preston, D. T. Gerow.

## SUPREME COURT.

Julius Solomon, assignee of Thomas J. Taylor, Belknap Hardware Co. and Hargadin-McKittick Dry Goods Co., appellants, vs. Thos. J. Taylor, appellee, Jefferson county. Appeal dismissed.

Florida Hard Rock Phosphate Co., appellant, vs. H. L. Anderson, appellee, Levy county. Decree reversed; opinion by Shackelford, J.

Frank F. Russell et al., appellants, vs. City of Tampa, appellee, Hillsborough county. Motion to vacate final decree granted; opinion of Hocker, J.

Philip Licata et al., appellants, vs. Vincente de Corte, appellee, Hillsborough county. Decree affirmed; opinion of Cockrell, J.

S. G. Walker, plaintiff in error, vs. Thos. L. Parry, defendant, in error. Orange county. Motion to extend time for filing transcript granted.

Reese Harrison, plaintiff in error, vs. State of Florida, defendant in error, Leon county. Dismissed on suggestion of death of plaintiff in error.

Wm. Cook, plaintiff in error, vs. State of Florida, defendant in error, Nassau county. Motion to dismiss writ granted, plaintiff in error being a fugitive from justice.

NOTICE of Application for Tax Deed under Section 8 of Chapter 4888, Laws of Florida.

Notice is hereby given that J. L. Farrior, purchaser of tax certificate No. 7, dated 6th July, A. D. 1905, has filed said certificate in my office, and has made application for tax deed to issue in accordance with law. Said certificate embraces the following described land situated in Leon county, Florida, to-wit: The southwest quarter of southeast quarter of fractional section 7, township 3 north, range 1 east, 40 acres. The said land being assessed at the date of the issuance of such certificate in the name of D. D. Gwaltney. Unless said certificate shall be redeemed according to law, tax deed will issue thereon on the 7th day of August, A. D. 1905. Witness my official signature and seal this 6th day of July, A. D. 1905.

(SEAL) HENRY T. FELKEL, Clerk Circuit Court Leon County, Florida.